

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: William Ackerman, Budget & Finance Director / 797-1050

PREPARED BY: Colleen Ryan, Budget Manager / 797-1024

SUBJECT: Resolution

AFFECTED DISTRICT: All Districts

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: SOLID WASTE ASSESSMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN THE TOWN OF DAVIE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: Through Ordinance #2005-19, the Town of Davie authorized the annual reimposition of an annual Solid Waste Service Assessment for solid waste collection and disposal services, facilities or programs. In order to reimpose the annual solid waste collection and disposal program for the fiscal year beginning October 1, 2009, using the tax bill collection method, this preliminary resolution announcing the estimated assessment rate is required.

The current solid waste assessment rate is \$295.29 per dwelling unit. For FY 2010, the solid waste assessment rate will be \$328.68 per dwelling unit. The total solid waste collection and disposal cost for FY 2010 is approximately \$7,220,000. Notice of this proposed rate will be provided to the assessed properties via the TRIM notice.

The Town Council must pass a final rate resolution in order for the assessment to be imposed and to conform with state law. A public hearing for this assessment will be held on September 14, 2009.

PREVIOUS ACTIONS: Ordinance #2005-19, Resolution 2005-255, Resolution 2006-214.

CONCURRENCES: N/A

FISCAL IMPACT: Yes

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve resolution

Attachment(s): Preliminary Rate Resolution

TOWN OF DAVIE, FLORIDA

**PRELIMINARY RATE RESOLUTION
FOR SOLID WASTE SERVICE ASSESSMENTS**

ADOPTED JULY 29, 2009

Table of Contents

Page

SECTION 1.	AUTHORITY.	2
SECTION 2.	PURPOSE AND DEFINITIONS.	2
SECTION 3.	PROVISION AND FUNDING OF SOLID WASTE SERVICES.	2
SECTION 4.	LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT.	3
SECTION 5.	ESTABLISHMENT OF ANNUAL SOLID WASTE SERVICE ASSESSMENT RATE AND ASSESSMENT ROLL.	3
SECTION 6.	AUTHORIZATION OF PUBLIC HEARING.	4
SECTION 7.	NOTICE BY PUBLICATION.	4
SECTION 8.	NOTICE BY MAIL.	5
SECTION 9.	METHOD OF COLLECTION.	5
SECTION 10.	APPLICATION OF ASSESSMENT PROCEEDS.	5
SECTION 11.	EFFECTIVE DATE.	6
APPENDIX A:	FORM OF NOTICE TO BE PUBLISHED	A-1
APPENDIX B:	FORM OF NOTICE TO BE MAILED	B-1

RESOLUTION NO. 2009-_____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN THE TOWN OF DAVIE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council (the "Council") of the Town of Davie, Florida (the "Town"), has enacted Ordinance No. 2005-19 (the "Ordinance"), which authorizes the annual reimposition of annual Solid Waste Service Assessments for Solid Waste collection and disposal services, facilities or programs against certain Assessed Property within the Town;

WHEREAS, the imposition of an annual Solid Waste Service Assessment for Solid Waste collection and disposal services, facilities or programs for each Fiscal Year is an equitable and efficient method of allocating and apportioning Solid Waste Costs among parcels of Assessed Property; and

WHEREAS, the Council desires to reimpose an annual Solid Waste collection and disposal assessment program within the Town, using the tax bill collection method for the Fiscal Year beginning on October 1, 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF DAVIE, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of the Solid Waste Service Assessment Ordinance (Ordinance No. 2005-19), the Initial Assessment Resolution (Resolution No. R-2005-255), the Charter of the Town of Davie, sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. PURPOSE AND DEFINITIONS. This resolution constitutes the Preliminary Rate Resolution as defined in the Ordinance which initiates the annual process for updating the Assessment Roll and directs the reimposition of Solid Waste Service Assessments for the Fiscal Year beginning October 1, 2009. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance and the Initial Assessment Resolution. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

SECTION 3. PROVISION AND FUNDING OF SOLID WASTE SERVICES.

(A) Upon the imposition of Solid Waste Service Assessments for Solid Waste collection and disposal against Assessed Property located within the Town, the Town shall provide Solid Waste collection and disposal services to such Assessed Property.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property will be benefited by the Town's provision of Solid Waste collection and disposal services in an amount not less than the Solid Waste Service Assessment imposed against such parcel, computed in the manner set forth in this Preliminary Rate Resolution.

SECTION 4. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT. The legislative determinations of special benefit and fair apportionment embodied in the Ordinance and the Initial Assessment Resolution are affirmed and incorporated herein by reference.

SECTION 5. ESTABLISHMENT OF ANNUAL SOLID WASTE SERVICE ASSESSMENT RATE AND ASSESSMENT ROLL.

(A) For the Fiscal Year beginning October 1, 2009, for which Solid Waste Service Assessments for Solid Waste collection and disposal services, facilities and programs are to be reimposed, the Solid Waste Cost shall be allocated among all parcels of Assessed Property, based upon each parcels' classification as Residential Property and the number of Dwelling Units for such parcels. Only those parcels assigned an Improvement Code of "R" by the Property Appraiser on the Tax Roll shall be classified as Assessed Property. The Solid Waste Cost for Fiscal Year 2009-10 is estimated to be \$7,220,000.00. Accordingly, a rate of assessment equal to \$328.68 for each Dwelling Unit for solid waste collection and disposal services is hereby approved for Fiscal Year 2009-10.

(B) The Town Administrator is hereby directed to prepare, or cause to be prepared, an updated Assessment Roll for the Fiscal Year beginning October 1, 2009 in the manner provided in the Ordinance. Such updated Assessment Roll shall contain the following: (1) a summary description of all Assessed Property within the Town conforming to the description contained on the Tax Roll, (2) the name and address of the Owner of record of each parcel as shown on the Tax Roll, and (3) the amount of the Solid Waste Service Assessment attributable to each Dwelling Unit for Solid Waste

collection and disposal services. A copy of this Preliminary Rate Resolution, the Ordinance, the Initial Assessment Resolution and the updated Assessment Roll is maintained on file in the office of the Town Clerk and open to public inspection. The foregoing shall not be construed to require that the updated Assessment Roll be in printed form if the amount of the Solid Waste Service Assessment for each parcel of property can be determined by use of a computer terminal available to the public. The Solid Waste Service Assessment for each parcel of Assessed Property shall be computed by multiplying the assessment rate by the number of Dwelling Units on such parcel.

(C) It is hereby ascertained, determined, and declared that the foregoing method of determining the Solid Waste Service Assessments for Solid Waste collection and disposal services is a fair and reasonable method of apportioning the Solid Waste Cost therefore among parcels of Assessed Property.

SECTION 6. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 12:00 p.m. on September 14, 2009, at Town Council Chambers of Town Hall, 6591 Orange Drive, Davie, Florida, for the purpose of (A) receiving and considering any comments on the Solid Waste Service Assessments from affected property owners and (B) authorizing the reimposition of such Solid Waste Service Assessments for solid waste collection and disposal for the Fiscal Year beginning October 1, 2009 and collecting such assessments on the same bill as ad valorem taxes.

SECTION 7. NOTICE BY PUBLICATION. The Town Administrator shall publish a notice, as required by Section 2.04 of the Ordinance, in substantially the form

attached hereto as Appendix A. Such notice shall be published not later than August 24, 2009 in a newspaper generally circulated in Broward County.

SECTION 8. NOTICE BY MAIL. Pursuant to section 200.069(11)(a), Florida Statutes, and with agreement of the Property Appraiser, the Town Council elects to combine the notice required by Section 2.05 of the Ordinance and this Resolution with the truth-in-millage notification required pursuant to section 200.069, Florida Statutes. Such mailed notice shall be in the form required by section 200.069(11)(a), Florida Statutes, and consistent with the Uniform Assessment Collection Act and the Ordinance for the purpose of imposing Solid Waste Assessments for the Fiscal Year beginning October 1, 2009. Such notices shall be mailed no later than August 24, 2009. In the event the Town Council elects to not use the truth-in-millage notification, the first class mailed notice shall be in substantially the form attached hereto as Appendix B, which also must be mailed no later than August 24, 2009.

SECTION 9. METHOD OF COLLECTION. It is hereby declared that the Solid Waste Assessment shall be collected and enforced pursuant to the Uniform Assessment Collection Act as provided in Section 3.01 of the Ordinance for the Fiscal Year beginning October 1, 2009.

SECTION 10. APPLICATION OF ASSESSMENT PROCEEDS. The revenue derived from the Town's Solid Waste Assessment will be utilized for the provision of Solid Waste collection and disposal services, facilities, and programs, as reflected by the Solid Waste Cost. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund Solid Waste collection and disposal services, facilities, and programs.

SECTION 11. EFFECTIVE DATE. This Preliminary Rate Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 29th day of July, 2009.

ATTEST:

MAYOR/COUNCIL MEMBER

TOWN CLERK

APPROVED THIS 29th DAY OF JULY, 2009

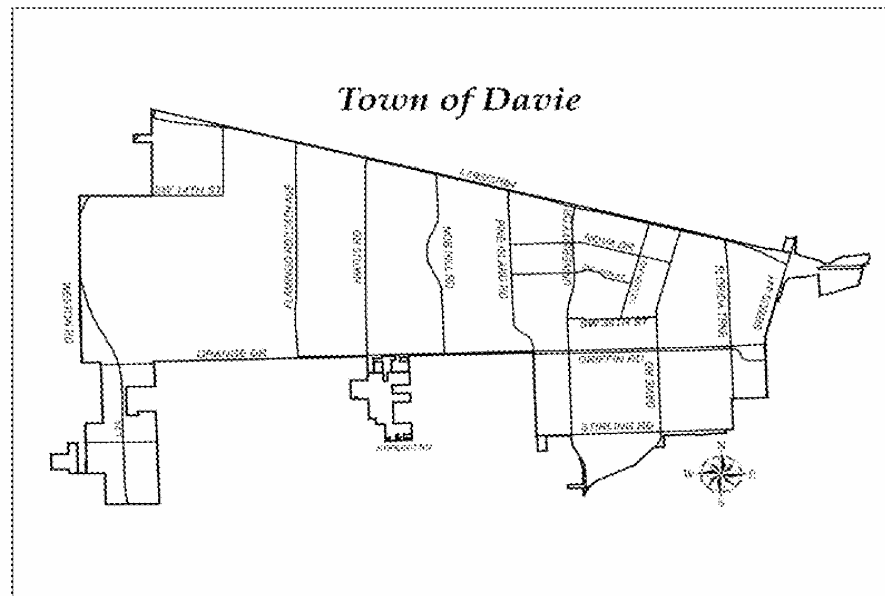
APPENDIX A

FORM OF NOTICE TO BE PUBLISHED

APPENDIX A

FORM OF NOTICE TO BE PUBLISHED

To Be Published by August 24, 2009



NOTICE OF HEARING TO REIMPOSE AND PROVIDE FOR COLLECTION OF SOLID WASTE SERVICE SPECIAL ASSESSMENTS

Notice is hereby given that the Town Council of the Town of Davie, will conduct a public hearing to consider reimposing solid waste service assessments for the Fiscal Year beginning October 1, 2009, against certain improved residential properties located within the incorporated area of the Town, to fund the cost of solid waste collection and disposal services, facilities and programs provided to such properties and to authorize collection of such assessments on the tax bill.

The public hearing will be held at 12:00 p.m. on September 14, 2009 in the Town Council Chambers of Town Hall, 6591 Orange Drive, Davie, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Town Council

within 20 calendar days of the date of this notice. If a person decides to appeal any decision made by the Town Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town at (954)797-1020, at least two (2) business days prior to the date of the hearing.

The rate of assessment for the upcoming fiscal year shall be \$328.68 per dwelling unit. The total annual solid waste assessment revenue to be collected within the Town of Davie is estimated to be \$7,220,000.00. Copies of the Solid Waste Service Assessment Ordinance (Ordinance No. 2005-19), the Initial Assessment Resolution (Resolution No. R-2005-255), the Preliminary Rate Resolution initiating the annual process of updating the Assessment Roll and reimposing the Solid Waste Service Assessments, and the updated Assessment Roll for the upcoming fiscal year are available for inspection at the Town Clerk's Office of Town Hall, located at 6591 Orange Drive, Davie, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2009, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property in accordance with Florida law which may result in a loss of title.

If you have any questions, please contact the Town Hall at (954)797-1000, Monday through Friday between 8:30 a.m. and 5:00 p.m.

**TOWN COUNCIL OF
THE TOWN OF DAVIE, FLORIDA**

APPENDIX B
FORM OF NOTICE TO BE MAILED

APPENDIX B

FORM OF NOTICE TO BE MAILED

*** * * * * NOTICE TO PROPERTY OWNER * * * * ***

Town of Davie
6591 Orange Drive
Davie, Florida 33314-3399

TOWN OF DAVIE, FLORIDA
NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF NON-AD
VALOREM ASSESSMENTS

NOTICE DATE: AUGUST 24, 2009

Owner
Address
City, State Zip

Sequence #
Tax Parcel #
Legal Description:

As required by section 197.3632, Florida Statutes, and the direction of the Town Council notice is given by Town of Davie, that annual assessments for solid waste services using the tax bill collection method, may be reimposed and levied on your property. The use of an annual special assessment to fund solid waste services benefiting improved property located within the Town of Davie, in the past has proven to be fair, efficient and effective. The total annual solid waste assessment revenue to be collected within the Town of Davie, is estimated to be \$7,220,000.00. The annual solid waste assessment is based on the number of residential dwelling units contained on each parcel of property.

The following is a summary of the non-ad valorem special assessments being reimposed on the above parcel for the fiscal year beginning October 1, 2009.

The above parcel is subject to the solid waste assessment:

The total number of residential dwelling units on the above parcel is _____.

The annual solid waste assessment for the above parcel is \$_____ for fiscal year 2009-10 and for future fiscal years.

A public hearing will be held at 12:00 p.m. on September 14, 2009, in the Town Council Chambers of Town Hall, 6591 Orange Drive, Davie, Florida for the purpose of receiving public comment on the proposed assessments. All owners of improved property within the Town were mailed individual notices similar to this one when the assessments were first imposed. Subsequently, only owners of reclassified property which resulted in an increased assessment, or owners of property not included on the prior years assessment roll will receive updated mailed notice in addition to the annual published notice. You and all other affected property owners have a right to appear at the hearing

and to file written objections with the Town Council within 20 calendar days of the date of this notice. If you decide to appeal any decision made by the Town Council with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Clerk at (954)797-1020 at least two (2) business days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Town Council action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the legal documentation for the assessment program are available for inspection at the Town Clerk's office, located at 6591 Orange Drive, Davie, Florida.

The special assessment amount shown on this notice and the ad valorem taxes for the above parcel will be collected on the ad valorem tax bill mailed in November of each year that the assessment is imposed. Failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions, please contact the Town Hall at (954)797-1000, Monday through Friday between 8:30 a.m. and 5:00 p.m.